IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 14571 of 2004

Between:

Sri Sripada Krishna Murthy, S/o.Manikya Avadhanulu,
Sri Varaha Lakshmi Narasimha Swamy Deveatanam,

Simhachalam, Visk.

..... PETITIONER

AND

1 The Commissioner of Endowments, Boggulakunta,

Tilak road, Abids, Hyderabad.
2 The Executive officer, Sri Varahalakshmi Narasimha

Swamy Devastanam, Simhachalam, Visakhapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or Direction, more particularly a writ in the nature of writ of Mandamus declaring the action of the section respondent in not executing the orders of the 1st respondent i.e., the commissioner of Endowments passed in Rc.No.A1/11950/2003-1, dt.17-03-2003.

Counsel for the Petitioner: MR.M.VIDYASAGAR

Counsel for the Respondent No.1:Govt.Pleader for Endowments

Counsel for the Respondent No.2: MR.M.ADINARAYANA RAJU

The Court at the stage of admission made the following:

HONOURABLE MR.JUSTICE K.C.BHANU

WRIT PETITION NO.14571 OF 2004

ORDER:

This writ petition is filed by the petitioner to declare the action of the second respondent in not executing the orders of the first respondent in R.C.No.A1/11950/20031, dated 17.03.2003, as illegal and arbitrary.

2. The facts of the case are not in dispute. Therefore, it is not necessary to delineate all the facts in this case. The short point that has to be determined is whether the petitioner is entitled for the Automatic Advancement Scheme in pursuance of Rule 45 of the G.O.Ms.No.888 dated 08.12.2000.

3. The learned counsel for the petitioner contended that as per Rule 45 of G.O.Ms.No.888 dated 08.12.2000 the petitioner is entitled for the Automatic Advancement Scheme and as a matter of fact though the Commission of Endowments directed the second respondent to take appropriate action for expansion of Automatic Advancement Scheme to the petitioner, he did not take any action.

4. The learned Government Pleader for Endowments appearing for the respondents contended that the petitioner is not fit into the G.O. (P). No.150, Fin. Plg. (F.W.P.C.-II) Dept., dated 01.09.1999, since his grade is XXIII and Automatic Advancement Scheme is available only to the persons drawing the pay in the grades I to XX1.

5 . In pursuance of the proceedings dated 17.03.2003 issued by the Commissioner of Endowments, the second respondent neither taken any action nor passed any appropriate orders considering the relevant G.Os. and the Rules governing the Automatic Advancement Scheme, and in view of the matter, I am of the opinion that it is for the second respondent to take appropriate decision in accordance with Rules.

6. Therefore, without entering into the merits and demerits of the case, a direction is given to the second respondent to pass appropriate decision to execute the orders of the first respondent after considering the eligibility of the petitioner as to whether he is entitled for the Automatic Advancement Scheme in accordance with the Government Orders, within a period of eight weeks from the date of receipt of a copy of this order after giving reasonable opportunity to the writ petitioner.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

15th December, 2004. K.C.BHANU, J

Note:

Furnish C.C within two days

B/o.

SKM

TO

1 The Commissioner of Endowments, Boggulakunta,

Tilak road, Abids, Hyderabad.

2 The Executive officer, Sri Varahalakshmi Narasimha

Swamy Devastanam, Simhachalam, Visakhapatnam Dist.

3 Two C.Cs. to G.P. for Endowments, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 Two C.D. Copies.